



22 AUG 2005

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

H T Than Law Group
Waterfront Center
1010 Wisconsin Avenue N W
Suite 560
Washington DC 20007

In re Application of
CHAPPUIS
Serial No.: 10/523,583
PCT No.: PCT/EP02/11420
Int. Filing Date: 11 October 2002
Priority Date: 30 July 2002
Attorney's Docket No.: MTL-006
For: IDENTIFICATION OF A USER OF A MOBILE
TERMINAL AND GENERATION OF AN ACTION
AUTHORIZATION

: DECISION ON

: PETITION UNDER

: 37 CFR 1.10(d)

This decision is in response to applicant's "PETITION TO BE ACCORDED DATE OF EXPRESS MAIL DEPOSIT PURSUANT TO 37 CFR 1.10(d)", filed 03 August 2005, to accord a filing date of 28 January 2005 to the above-identified application papers. No petition fee is required..

BACKGROUND

On 11 October 2002, applicant filed international application No. PCT/EP02/11420, which claimed a priority date of 30 July 2002 and which designated the United States. A copy of the international application was communicated to the United States Patent and Trademark Office from the International Bureau on 04 March 2004.

The deadline for payment of the basic national fee was to expire 30 months from the priority date, or at midnight 30 January 2005.

On 27 January 2005, applicant filed, via Express Mail, a transmittal letter for entry into the national stage in the United States accompanied by, *inter alia*, the basic national fee. The United States Designated/Elected Office (DO/EO/US) accorded a filing date of 01 February 2005 to the transmittal letter.

On 07 July 2005, the United States Designated/Elected Office mailed a Notification of Acceptance of Application under 35 U.S.C. 371 and 37 CFR 1.494 or 1.495 (FORM PCT/DO/EO/903) which indicated a 35 U.S.C. 371 date of 23 June 2005.

On 03 August 2005, applicant filed the present petition, which included a copy of the online Customer Receipt of the "Express Mail" mailing label #EO907275415US and a copy of the USPS Track & Confirm Shipment Detail for this Express Mail number.

DISCUSSION


The Express Mail label #EO907275415US was addressed to the "Commissioner for Patents, Mail Stop Patent Application, PO Box 1450, Alexandria, VA 22313-1450". The label does not bear a USPS barrel date stamp; the entry in the "Date In" box on the Express Mail Customer Copy is blank. However, the USPS Track & Confirm Shipment Detail indicates that Express Mail package number was accepted on 27 January 2005, 6:00 pm, Washington, DC 20066.

This is sufficient evidence to establish with reasonable certainty that the national stage papers were deposited with the United States Postal Service as an "Express Mail" Mailing on 27 January 2005. Specifically, the "Express Mail" label number ("# EO907275415US") is the same number that appears on the Transmittal Letter, which is found in the application file. The indication of the "Express Mail" label number appearing on the Transmittal Letter ties the "Express Mail" label and the Transmittal Letter together such that it is clear that the national stage papers were deposited on 27 January 2005.

CONCLUSION

Applicant's petition requesting that the national stage papers be accorded a receipt date of 27 January 2005 is GRANTED.

The Notification of Acceptance (FORM PCT/DO/EO/903) mailed on 07 July 2005 and the filing receipt issued in this case is correct and remains in effect.


Cynthia M. Kratz
Attorney Advisor
Office of PCT Legal Administration

Telephone: 571-272-3286